

REMARKS

Prior to entry of this amendment, Claims 1-37 were pending in this application, with all claims standing rejected. Claims 2-4 and 31-33 are canceled and Claims 38-45 are added. Hence, Claims 1, 5-30 and 34-45 are presently pending in this application.

SUMMARY OF REJECTIONS

Claims 1-37 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Johnson et al. ("*Johnson*"; U.S. Pat. Appl. Pub. No. 2002/0152210); and Claims 1-37 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Hurwood et al. ("*Hurwood*"; U.S. Pat. No. 6,697,808).

REJECTIONS BASED ON PRIOR ART

Rejections under 35 U.S.C. §102(e)

(1) The *Johnson* reference

The Office Action rejected Claims 1-37 under 35 U.S.C. §102(e) as allegedly anticipated by *Johnson*. This rejection of Claims 1-37 is traversed.

(i) Independent Claims 1, 17, 30 and 37

For a proper anticipation rejection, a reference must show each and every feature of a claim in the same combination as claimed. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). *Johnson* does not disclose, explicitly or implicitly, all of the features recited in Claims 1, 17, 30 and 37.

Generally, Claim 1 recites a method for accessing data objects from a **specified** data repository from a **plurality of data repositories that are configured with different data objects and object relationships**; wherein a **reconstructed request for data objects from the specified repository is generated based on metadata that characterizes the particular structure or schema of the specified repository**; and wherein the **metadata associated with the specified repository is identified from a plurality of metadata based on a parameter received in a request for the data objects**. Several of the features of Claim 1 are absent from the *Johnson* reference.

Based on FIG.2, each of the bridges 108 of *Johnson* is associated with a respective repository 110, for translating user requests into requests that can be understood by a respective proprietary API of a vendor-specific repository 110, rather than a single bridge being associated with multiple repositories. Paragraph [0034] refers to rapidly developing and implementing new bridges to accommodate and support newly added vendor-specific repositories. Paragraph [0040] further supports this in describing dispatch of query objects to each of three bridges for three repositories and simultaneous execution of the search request by each bridge for a respective API of the corresponding native repository.

In contrast, Claim 1 recites steps that are performed by a **single common data access layer 102** that interfaces with **multiple repositories with different configurations**. Different configurations means that various repositories may comprise different data objects having different object interrelationships. In one embodiment, different data repositories are different in their syntax, semantics, and data object relationships (page 9, lines 8-12). The common data access layer 102 automatically

identifies specific metadata that characterizes the configuration of a particular specified repository based on a request parameter and reconstructs the request based on the specific metadata such that repositories that are configured differently are all supported by a single common layer. The common data access layer 102 does not require hard-coding the knowledge of the schemas for the data repositories that are serviced, as with the bridges of *Johnson*. Multiple vendor-specific bridges are not required.

Furthermore, *Johnson* merely vaguely refers to “converting the search request from the user into one that can be read by the application program interface of the corresponding native repository” (para. [0040]). *Johnson* does not teach *how* to convert requests. Therefore, *Johnson* does not teach how requests are reconstructed as recited in Claim 1 and does not support a rejection based on a *prima facie* case of anticipation.

Claims 17, 30 and 37 recite similar features to Claim 1, in different claim formats. Hence, the foregoing distinctions between Claim 1 and the *Johnson* reference are equally true with respect to Claims 17, 30 and 37, to the extent applicable. For at least the foregoing reasons, withdrawal of the rejections of Claims 1, 17, 30 and 37 under 35 U.S.C. §102(e), based on *Johnson*, is kindly requested.

(ii) Dependent Claims 5-16, 18-29 and 34-36

Claims 2-4 are canceled herein. Claims 5-16 depend either directly or indirectly from Claim 1 and are patentable over *Johnson* for at least the same reasons as Claim 1.

Claims 18-29 depend either directly or indirectly from Claim 17 and are patentable over *Johnson* for at least the same reasons as Claim 17.

Claims 31-33 are canceled herein. Claims 34-36 depend either directly or indirectly from Claim 30 and are patentable over *Johnson* for at least the same reasons as Claim 30.

Withdrawal of the rejections of Claims 5-16, 18-29 and 34-36 under 35 U.S.C. §102(e), based on *Johnson*, is requested.

(2) The *Hurwood* reference

The Office Action rejected Claims 1-37 under 35 U.S.C. §102(e) as allegedly anticipated by *Hurwood*. This rejection of Claims 1-37 is traversed.

(i) Independent Claims 1, 17, 30 and 37

Hurwood does not disclose, explicitly or implicitly, all of the features recited in Claims 1, 17, 30 and 37.

Hurwood does not generate a reconstructed request specific to a specified data repository, based on a general request for data objects from the specified repository, **where the specified repository is one of multiple repositories, with at least two being configured with different data objects and object relationships**, as in Claim 1. The data storage devices 108a-108n of *Hurwood* form a distributed database system, in which data is distributed among more than one database, with each constructed according to the same schema. There is no mention in *Hurwood* that anything more than mere query syntax is translated for searching metadata associated with one or more similarly-configured data storage devices (col. 4, lines 29-35; col. 5, line 66 through col. 6, line 3; col. 6, line 66 through col. 7, line 8), in response to a SQL database query (col. 4, lines 18-21).

Furthermore, the invention of *Hurwood* is specifically in the context of one or more data storage devices for a decision support system (e.g., see col. 1, lines 7-29; col. 2, lines 59-61; Claims 1, 8, 14). The metadata of *Hurwood* is collected into groups or projects used by users to accomplish particular related tasks with regard to extracting desired information from a database for OLAP processing. This is different than the **metadata** referenced in Claim 1, which **each characterizes the configuration for data objects in a respective data repository** of a plurality of repositories in which **at least two repositories are configured differently**.

In view of the distinctions between Claim 1 and the *Hurwood* invention described above, *Hurwood* does not teach the features recited in Claim 1 and, therefore, does not support a rejection based on a *prima facie* case of anticipation. Claims 17, 30 and 37 recite similar features to Claim 1, in different claim formats. Hence, the foregoing distinctions between Claim 1 and the *Hurwood* reference are equally true with respect to Claims 17, 30 and 37, to the extent applicable. For at least the foregoing reasons, withdrawal of the rejections of Claims 1, 17, 30 and 37 under 35 U.S.C. §102(e), based on *Hurwood*, is requested.

(ii) Dependent Claims 5-16, 18-29 and 34-36

Claims 2-4 are canceled herein. Claims 5-16 depend either directly or indirectly from Claim 1 and are patentable over *Hurwood* for at least the same reasons as Claim 1.

Claims 18-29 depend either directly or indirectly from Claim 17 and are patentable over *Hurwood* for at least the same reasons as Claim 17.

Claims 31-33 are canceled herein. Claims 34-36 depend either directly or indirectly from Claim 30 and are patentable over *Hurwood* for at least the same reasons as Claim 30.

Withdrawal of the rejections of Claims 5-16, 18-29 and 34-36 under 35 U.S.C. §102(e), based on *Hurwood*, is requested.

NEW CLAIMS

New Claims 38-45 are added to claim embodiments of the invention described in the application as filed. No new matter is introduced in the application by way of these new claims.

In view of the distinctions between the cited references and the original claims as presented above, the features recited in Claims 38-45 are not disclosed, suggested or motivated by the *Johnson* and/or *Hurwood* references. Hence, Claims 38-45 are patentable over the cited references of record.

CONCLUSION

For at least the reasons indicated above, Applicants submit that all of the pending claims (1-45) present patentable subject matter over the references of record, and are in condition for allowance. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicant's undersigned representative.

Ser. No. 09/944,296-Prasad-August 30, 2001
GAU 2171 (F. Coby)
Attorney Docket No. 50325-0555

To the extent necessary, a petition for an extension of time under 37 C.F.R.

§1.136 is hereby made. Please charge any shortages in fees due in connection with the
filing of this paper, including extension of time fees, or credit any overages to Deposit
Account No. 50-1302.

Respectfully Submitted,

HICKMAN PALERMO TRUONG &
BECKER LLP

Date: 8/5/04

John D. Henkhaus
John D. Henkhaus
Reg. No. 42,656

(408) 414-1080
Fax: (408) 414-1076
1600 Willow Street
San Jose, CA 95125-5106

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal
Service as first class mail in an envelope addressed to: Mail Stop Amendment,
Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on 8/5/04 by Darci Sargamdeo